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असाधारण

EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 27th August, 1976:—

BILL NO. 67 OF 1976

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1976.

Short title and commencement.

(2) It shall come into force at once.

2. In the Seventh Schedule to the Constitution,—

Amendment of Seventh Schedule.

(i) in List II—State List,—

(a) for entry 6, the following entry shall be substituted, namely:—

“6. Sanitation, hospitals and dispensaries.”;

(b) in entry 11, for the words and figure “entry 25 of List III”, the words and figures “entries 25 and 25A of List III” shall be substituted;

(ii) in List III—Concurrent List, after entry 25, the following new entry shall be inserted, namely:—

“25A. Medical education, public health and family planning.”

STATEMENT OF OBJECTS AND REASONS

It has been long felt that for better administration, uniformity and improvement of standards, medical education and public health, including family planning, should be integrated and brought under the Concurrent List of the Seventh Schedule to the Constitution. Some of the urgent points that necessitate the change are highlighted below:—

- (1) To have uniform public health policy and medical education for whole of India.
- (2) To set up an Indian Medical and Health Service for distribution of medical man-power according to the needs of each area.
- (3) To improve: (i) control of communicable diseases; (ii) implementation of National Eradication Control Programmes and (iii) effectiveness of National Population Control Programme.
- (4) To have a National Drug Policy for better administration of (i) Prevention of Food Adulteration Act and (ii) Drugs Act.
- (5) To bring all State Medical Councils under the Medical Council of India and to have one All India Medical Register.
- (6) To bring all Medical Colleges/Institutions under the Indian Council of Medical Research.

To establish a truly national health service with focus on uniformity of services all over the country and to extend medical and health services to rural areas, that have remained deprived of adequate medical facilities for too long, involvement of medical man-power has to be planned on a national level.

To achieve the above object, transfer of the subjects of medical education and public health to the Concurrent List by an amendment of the Constitution is necessary.

Hence this **Bill**.

NEW DELHI;
The 26th July, 1976.

KAILAS.

BILL No. 66 OF 1976

A Bill to provide for the establishment of a Board for the development, promotion and protection of the coconut cultivation and to set up coconut based industries and for these purposes to levy a cess to create a coconut fund and for matters connected therewith.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Coconut Act, 1976.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short
title, ex-
tent and
commen-
cement.

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the matters connected with coconut cultivation and coconut industry.

Declara-
tion as
to expedi-
ency of
control
by the
Union.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) “arrak” means the refined liquor made out of toddy by distilling it;

(b) “Board” means the Coconut Board constituted under section 4 of this Act;

(c) “coconut” means the fruit of coconut tree;

(d) “coconut based industry” means the industry in which material produced or derived out of coconut tree is used as raw material;

(e) “coir or coir fibre” means fibre extracted from the husk of coconut;

(f) “coir product” means all varieties of articles made wholly or partly from coir or coir fibre;

(g) “copra” means dried kernell of coconut;

(h) “cultivator” means any person engaged in coconut cultivation;

(i) “export” means the taking out of India things by land, sea or air;

(j) “gur” means gur made out of toddy;

(k) “manufacturer” means any person engaged in the manufacture of any article in the making of which anything derived out of coconut tree is used as raw material;

(l) “non-official” means a person who is not an official of any Government;

(m) “oil” means oil extracted out of copra;

(n) “shell oil” means the oil made from coconut shell;

(o) “small cultivator” means the cultivator who does not have more than three acres of coconut gardens;

(p) “toddy” means the country liquor made from coconut tree.

Constitution of the Board.

4. (1) As soon as may be after the commencement of this Act, the Central Government shall, by notification in the Official Gazette, constitute for the purposes of this Act a Board to be called the Coconut Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

Composition of the Board.

5. (1) The Board shall consist of—

(a) one non-official as the Chairman to be appointed by the Central Government with the concurrence of the State Government of Kerala;

(b) seven members from Kerala to represent the cultivators' interest, of whom three shall be the representatives of small cultivators;

(c) five members to represent the interest of cultivators of other coconut producing States;

(d) ten members to be nominated by the Central Government of whom two shall be from the agricultural labourers working in coconut cultivation, two from the workers of coconut based industries and two from the manufacturers;

(e) two representatives of the Coir Board;

(f) three members of Parliament, of whom one shall be from the Council of States and two from the House of the People.

(2) Any Officer deputed by Central Government to represent that Government on the Board shall have the right to attend the Board meetings and participate in the proceedings, but shall not be entitled to vote.

6. The Board shall elect from among its members a Vice-Chairman, who shall exercise such of the powers and perform such of the functions of the Chairman as may be prescribed or as may be delegated to him by the Chairman.

Vice
Chair-
man.

7. The Chairman and the members of the Board shall receive from the Board such allowances as may be prescribed by the Board.

Allowan-
ces to
Chairman,
etc.

8. There shall be an Executive Committee of the Board for the purposes of exercising such of the powers and performing such of the duties of the Board as may be prescribed or as the Board may delegate to it.

Execu-
tive Com-
mittee.

9. The Executive Committee shall consist of—

(a) the Chairman;

(b) the Vice-Chairman; and

(c) seven other members elected by the members of the Board from among themselves, of whom not more than two shall be Government officials, one from among the members representing agricultural workers working in coconut cultivation and one from the workers in coconut based industry.

Composi-
tion of
the Exe-
cutive.

10. The Board may constitute *ad hoc* committees which may include persons who are not members of the Board, but the number of such persons shall be less than one half of the total membership of an *ad hoc* Committee.

Ad-hoc
Com-
mittees.

11. The Central Government shall, after consulting the Board, appoint a Secretary to the Board who shall exercise such powers and perform such duties as may be prescribed or as may be delegated to him by the Board or the Chairman.

Secre-
tary.

12. Subject to such controls and restrictions, as may be prescribed, the Board may appoint such officers and employees as may be necessary for the efficient performance of the Board's functioning, and pay such salaries and allowances as it may determine from time to time.

Staff
and
their sal-
aries, etc.

Functions
of the
Board.

13. (1) It shall be the duty of the Board to promote, in Co-ordination with the Governments in the States|Union territories, by such measures as it thinks fit, the development of coconut cultivation and coconut based industry, stabilisation of prices of coconut and coconut products and distribution of agricultural requirements at fair prices.

(2) Without prejudice to the generality of the provisions of sub-section (1), the measures referred to therein may provide for—

(a) promoting, undertaking, assisting or encouraging scientific, technological and economic research in different aspects of coconut cultivation, toddy preserving, oil extracting, shell oil making, coir manufacturing, etc.;

(b) maintaining and assisting research institutes in different centres in the country and for setting up a National Coconut Research Centre with top experts from India and abroad and with all the latest scientific and technical facilities, with the cooperation of Food and Agriculture Organisation of United Nations and other international agencies;

(c) organising seed farms, where hybrid and disease resistant varieties of coconut plants are developed;

(d) training of students in advanced methods of cultivation, manuring and treatment of coconut trees affected by disease;

(e) training of students in scientific techniques of toddy tapping, preserving toddy, making gur out of toddy, distilling it into arrack and in other occupations connected with coconut based industry;

(f) supply of technical and scientific advisers to coconut cultivators and entrepreneurs in coconut based industries;

(g) organising a public distribution system for the supply of fertilisers, agricultural implements, spare parts of the agricultural implements and other requirements of coconut cultivation;

(h) for organising coconut protection centres in various States with necessary implements and medicines for systematically fighting in a coordinated and centralised manner the various disease affecting coconut trees;

(i) organising centres in various States for providing agricultural implements, including power tillers, pump-sets etc., to the farmers on hire;

(j) setting up welfare centres for the small cultivators and workers engaged in coconut cultivation and industry;

(k) organising coconut corporations in each coconut producing State for the purpose of effectively intervening in the market with a view to ensure fair price to coconut producers, and if necessary, to fix a floor price for coconuts and coconut based products;

(l) promoting and setting up coconut based industries in various States;

(m) collecting statistics relating to various aspects of coconut cultivation, marketing and coconut based industries;

(n) securing better working conditions and facilities and improvement of amenities and incentives for workers;

(o) fixing grade standards and arranging, when necessary, for inspection of coconut based products;

(p) ensuring remunerative price for coconuts and all coconut based products;

(q) advising coconut producers and entrepreneurs on all matters relating to the development of coconut cultivation and coconut based industries;

(r) subsidy to small cultivators for the replanting in place of old coconut trees and also for replantation due to destruction of coconut trees by disease;

(s) arrangement of long and short term credit facilities on easy terms to the cultivators, for the purposes of the development of cultivation, with provision that repayment of such loans shall start only after the cultivator gets yield from the new trees;

(t) grant of liberal loans and subsidy to those cultivators who are engaged in planting coconut trees in waste lands;

(u) working out a comprehensive scheme for providing insurance protection to coconut trees.

(3) The Board shall perform its functions under this section in accordance with and subject to such rules as may be made by the Central Government.

14. It shall be lawful for the Board, with the previous approval of the Central Government, to purchase coconut and coconut products in the internal market at such prices as the Central Government may fix.

Power for purchasing of coconut and coconut products by Board.

15. Before taking any action, which affects the interest of the Board under this Act, the Central Government shall ordinarily consult the Board:

Government to consult the Board.

Provided that no action taken by Central Government shall be invalid or called in question merely on the ground that the action was taken without consulting the Board.

16. (1) All coconut gardens having twenty-five or more coconut trees shall be registered with the Board before the expiry of one month from the date of commencement of this Act.

Registration.

(2) All registered coconut gardens shall renew their registration every year.

17. No person shall sell or otherwise dispose of, buy or otherwise acquire coconut except under and in accordance with the terms of a general or a special licence issued by the Board.

Licensing of trade in coconut.

Restric-
tion on
possession of
coconut.

18. No person not being a cultivator of coconut or a person who has acquired coconut under a general or a special licence issued by the Board under section 17 of this Act shall have any coconut in his possession except the coconut kept for domestic use the number of which shall not exceed hundred.

Registra-
tion of
establish-
ments
produc-
ing co-
conut
based
products.

19. All establishments, producing coconut based products, which are not registered or licensed under any other Act, shall register themselves with the Board within one month from the date of commencement of this Act.

Fees for
registra-
tion and
licences.

20. (1) The Board may levy such fees as may be prescribed for the issue and renewal of licences under sections 16 and 17 of this Act.

(2) The Board may charge such fees as may be prescribed for registration of establishments under section 19 of this Act.

Power to
fix maxi-
mum and
minimum
price for
coconut.

21. (1) The Central Government may, by order to be published in the Gazette, fix the maximum and the minimum price for coconut for a specific period.

(2) If any person buys or sells or agrees to buy or sell coconut at a price which is more than the maximum price or less than the minimum price fixed under sub-section (1) of this section, he shall be punishable under section 28.

Power to
fix maxi-
mum and
minimum
price for
coconut
products.

22. (1) The Central Government may, by order to be published in the Gazette, fix the maximum and the minimum price for any or all coconut products.

(2) If any person buys or sells or agrees to buy or sell coconut products at a price which is more than the maximum price or less than the minimum price fixed under sub-section (1) of this section, he shall be punishable under section 28.

Levy and
collection
of coconut
cess.

23. (1) With effect from such date, as the Central Government may by notification in the official Gazette specify, there shall be levied and collected, for the purposes of this Act.—

(a) a coconut cess on all coconuts produced and sold in India at such rate, not exceeding Rs. 2 per one hundred coconuts, as the Central Government may fix;

(b) a coconut cess by way of—

(i) a duty of excise on all coconut based products produced and sold in India at such rates as the Central Government may fix;

(ii) a surcharge at the rate of five per cent. on the sales tax on all the coconut based produces sold in India;

(iii) a duty of customs at the rate of five per cent on all coconut products exported.

(2) The cess levied under sub-section (1) shall be in addition to any other duty, surcharge, tax or charge leviable under any other law.

24. The proceeds of coconut cess levied under section 23 shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament, by appropriation made by law in this behalf, so provides, pay to the Coconut Fund, from time to time, from out of such proceeds, such sums of money, as it may think fit.

Crediting
proceeds
of cess
to Con-
solidated
Fund of
India.

25. (1) There shall be established a fund to be called the Coconut Fund to which shall be credited—

Establish-
ment of
coconut
Fund.

(a) the proceeds of the cess made over to the Board by the Central Government under section 24;

(b) all licence fees collected under sub-section (1) of section 20;

(c) all registration fees collected under sub-section (2) of section 20; and

(d) all fines collected under section 28.

(2) The fund shall be applied towards meeting the expenses of the Board and the cost of measures referred to in sections 13 and 14.

26. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to each of the coconut growing States by way of grants such sums of money as the Central Government may consider it necessary.

Grants to
States.

27. (1) The Board shall maintain proper accounts and other relevant records.

Accounts
and an-
nual Re-
ports.

(2) The accounts of the Board shall be annually audited by the Comptroller and Auditor General of India.

(3) The Board shall send its annual audited accounts and report to the Central Government every year and the Government shall cause the same to be laid before each House of Parliament.

28. If any person contravenes any provision of this Act, he shall be punishable with imprisonment for a term which may extend to one year or with a fine of rupees three thousand or with both.

Penalties.

29. (1) The Board shall study and review the functioning of any other body connected with coconut cultivation and coconut based industry and make recommendations to the Government for better, co-ordinated and effective functioning of such bodies.

Board to
make re-
commenda-
tions
to Gov-
ernment.

(2) The Board shall also study and review the working and implementation of various legislations connected with coconut cultivation and coconut industry and make recommendations in regard to matters connected thereto and suggest new legislation if necessary to be brought forward.

30. (1) The Central Government may by notification in the Gazette, make rules to carry out the purposes of this Act.

Power To
make
Rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions as aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is one of the biggest coconut producing countries in the world with coconut cultivation spread over in 10.22 million hectares in 13 States and producing an annual average of 5779 million coconuts, which value at current market price at about Rs. 3,500 million. There are only two other countries who are bigger than India in coconut cultivation. Philippines stands first in the world with 18 million hectares of coconut cultivation and an annual production of 7412 million nuts. The relative figures of Sri Lanka are 17.35 million hectares and 5441 million nuts respectively.

Besides coconut, the leaves, fibre and timber of coconut tree are valuable and are used for commercial purposes. Over ten million people are employed in coconut cultivation and coconut based industries. It is basically a small farmers' cultivation with the average size of the holding of only 0.20 hectare of land while more than 90 per cent. cultivators are having a holding, the size of which is less than one hectare.

Nearly seventy five per cent. of coconut cultivation in India is concentrated in Kerala with 7.07 million acres of cultivation and an annual production of 3956.1 million coconuts. Other major coconut producing States are Karnataka, Tamilnadu, Andhra Pradesh, Goa, Orissa, Maharashtra, Andaman and Nicobar Islands, West Bengal, etc.

Coconut cultivation and coconut based industries like coir, coconut oil extracting etc. contribute greatly to the national economy. It earns a lot of foreign exchange as many products of coconut based industries are exported, besides some are used as import substitutes.

But, unfortunately, coconut cultivation still gets hardly any serious attention from the Government. Therefore, it remains unorganised, disease affected, badly neglected and is getting perished. Some attention has been paid lately for the development of coconut based industries like coir, oil, etc., but far from satisfactory.

In the recent years the coconut cultivation is so badly affected by a serious virus disease which is now rapidly spreading in several parts of the country. As a result of neglect and lack of organised efforts this cultivation is now slowly on a decline.

Another important factor which adversely affects the coconut cultivation is the instability of prices for coconut. The price of coconut is at present left to the mercies of free market operations. As a result of this the coconut cultivators, who are mostly small cultivators, are not getting a reasonable price for coconuts. They are exploited to the marrows by the oil tycoons, who control the empire of edible oil.

Taking all these into account, this Bill provides for the setting up of a coconut Board for the promotion of the coconut cultivation, for setting up coconut based industries and for organised replanting of disease affected and old coconut trees, etc.

The Bill also provides for the creation of a Coconut Fund to be utilised for the promotion and development of coconut cultivation and coconut based industries.

Besides this the Bill provides for the coconut Board to take adequate steps to ensure fair price for the coconuts and for the supply of fertilisers and other agricultural requirements to the cultivators at reasonable price.

In short, this is a Bill which seeks to provide institutional and financial guarantee for the promotion and development of coconut cultivation and coconut based industries.

NEW DELHI;

The 22nd December, 1975.

C. K. CHANDRAPPAN.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117
OF THE CONSTITUTION OF INDIA

[Copy of letter No. 19630(1)/76-CAI, dated the 29th July, 1976 from Shri Jagjivan Ram, Minister of Agriculture and Irrigation to the Secretary-General, Lok Sabha.]

The President having been informed of the subject matter of the Coconut Bill proposed to be moved by Shri C. K. Chandrappan, M.P. in the Lok Sabha, has recommended the introduction and consideration of the Bill in the Lok Sabha under article 117(1) and 117(3) of the Constitution of India.

FINANCIAL MEMORANDUM

Various clauses of the Bill provide for meeting of the administrative expenses by the Board. Under clause 13, the Board shall have to undertake many side activities. Expenses on this account will have to be met from the Coconut fund. Besides these, under clause 14, the Board might enter into market for certain purchases for which funds are to be made available. With a view to raise necessary resources for carrying out the purposes of this Act, clause 23 seeks to provide for levying of coconut cess. The proceeds of the coconut cess will be paid into the consolidated fund of India and out of such proceeds shall be paid by the Central Government through appropriation by Parliament, by law in this behalf, such sums of money to the Coconut Board as it thinks necessary according to clause 24.

Clause 26 provides for payment of grants to States under due appropriation by Parliament. The Central Government also will have to spend money in Union territories.

Expenditure may also be incurred on the collection of coconut cess to some extent.

In view of the above, a recurring expenditure of about rupees 50 crores is likely to be involved from the Consolidated Fund of India.

An approximate amount of Rs. 50 lakhs is likely to be required from the Consolidated Fund of India towards non-recurring expenses.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 30 of the Bill empowers the Central Government to frame rules to carry out the purposes of the Act. As the rules will relate to matters of detail, the delegation of legislative powers is of a normal character.

S. L. SHAKDHER,
Secretary-General.